

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LUZ M. VEGA, AN INFANT, BY HER PARENT
AND NATURAL GUARDIAN, MANUELA
VALENTIN,

Plaintiffs,

- against -

THE BRONX-LEBANON HOSPITAL CENTER,
ILIANA ROBINSON, M.D.,

Defendants.

-----X
ECF CASE

07 Civ. 2940 (GEL)

AFFIRMATION IN OPPOSITION

THE BRONX-LEBANON HOSPITAL CENTER,

Third-Party Plaintiff,

- against -

MORRIS HEIGHTS HEALTH CENTER,

Third-Party Defendant.

-----X

Judd Cohen, an attorney duly licensed to practice law before the Courts of the State of New York and the United States District Court for the Southern District of New York, affirms the truth of the following under penalty of perjury:

1. I am a member of Shaub, Ahmety, Citrin & Spratt, LLP, attorneys for Defendant / Third-Party Plaintiff The Bronx-Lebanon Hospital Center and am fully familiar with the facts and circumstances of this action based upon a review of the file maintained by this office.
2. This Affirmation is respectfully submitted in opposition to the motion of Morris Heights Health Center (“Morris Heights”) for an order dismissing the Third-Party Complaint against Morris Heights for lack of subject matter jurisdiction pursuant to Fed.R.Civ.P. 12(b)(1).
3. Annexed to this affidavit as Exhibit A is a copy of the Notice of Removal filed by Morris Heights on April 12, 2007 which removed this action from the Supreme Court of the

State of New York, Bronx County to the United States District Court for the Southern District of New York.

4. For the reasons detailed in the accompanying memorandum of law, which are incorporated into this affirmation as if set forth in full, Morris Heights' motion should be denied.

Lake Success, New York
Dated: June 20, 2007

/s/ Judd Cohen
JUDD COHEN (JC-0303)

Attorneys for Defendant-Third-Party Plaintiff
The Bronx-Lebanon Hospital Center
1983 Marcus Avenue
Lake Success, New York 11042-1056
(516) 488-3300

**AFFIDAVIT OF SERVICE BY
OVERNIGHT DELIVERY**

STATE OF NEW YORK)
)
 ss.:
COUNTY OF NASSAU)

Sandra D. Hazan, being duly sworn, deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Little Neck, New York.

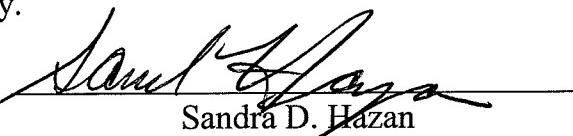
That on the 20th day of June, 2007, deponent served the within AFFIRMATION IN OPPOSITION WITH EXHIBIT, upon:

Federal Express #861670139683
Michael J. Garcia
United States Attorney for the
Southern District of New York
By: Peter M. Skinner (PS-9475)
Assistant United States Attorney
86 Chambers Street, Fifth Floor
New York, New York 10007

Federal Express #861670139661
Christopher A. Lennon, Esq.
Fitzgerald & Fitzgerald, P.C.
538 Riverdale Avenue
Yonkers, New York 10705

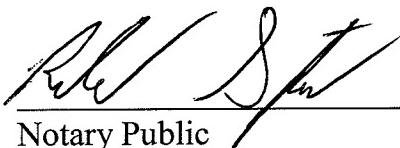
Federal Express # 861670139650
Jones, Hirsch, Connors & Bull, P.C.
One Battery Park Plaza
New York, New York 10004

at the address designated by said attorney(s) for that purpose, by depositing a true copy thereof enclosed in a properly addressed wrapper, into the custody of the overnight delivery service for overnight delivery, prior to the latest time designated by the overnight delivery service for overnight delivery.



Sandra D. Hazan

Sworn to before me this
20th day of June, 2007



Notary Public

RICHARD SPATOLA
Notary Public, State of New York
No. 01SP6116138
Qualified in Nassau County
Certificate Filed in New York County
Commission Expires September 20, 2008

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MORRIS HEIGHTS HEALTH CENTER,

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AFFIRMATION IN OPPOSITION AND EXHIBIT

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TO: ALL PARTIES
